

Notice of Allowability

Application No.

10/789,146

Applicant(s)

RUBACH, JAMES E.

Examiner

Art Unit

Sang Nguyen

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amended 03/27/07 & interview on 4/24/07.
2. ☒ The allowed claim(s) is/are 1-4 and 18-20 which have been renumbered as indicate 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/24/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Richard S. Missimer (Reg. No. 45,537) on April 23, 2007.

The application has been amended as follows by the amendment on 03/27/2007:

Claims 5 and 6 have been canceled.

Amendments To the claims 1, 19 and 20:

1. (***Currently Amended***) A method of detecting the position of a foot during a jump takeoff, comprising the steps of:

- (a) providing a plurality of light beams;
- (b) providing a plurality of light detectors for sensing said plurality of light beams;
- (c) enabling at least one light beam at a time of said plurality of light beams, enabling at least one light detector corresponding to said at least one light beam;

(d) storing the presence or absence of each of said plurality of light beams in a memory;

~~(d)~~ **(e)** indicating the presence or absence of each one of said plurality of light beams; and

(f) recalling said presence or absence of each of said plurality of light beams from said by a recall switch activation; and

(e) (g) displaying the position of a said foot during a said jump takeoff.

19. (**Currently Amended**) A jump takeoff position indicator system comprising:

(a) a light beam emitting assembly containing a plurality of infrared light emitting devices for emitting a plurality of infrared light beams;

(b) a light beam detecting assembly containing a plurality of infrared light detecting devices for detecting the presence of said plurality of infrared light beams;

(c) a collimating means for collimating one of said infrared light emitting devices to one of said infrared light detecting devices;

(d) a storage means for electronically storing the absence of one or more of said plurality of infrared light beams; and

(e) a display means for displaying the absence of one or more of said plurality of infrared light beams; whereby said jump takeoff position indicator system of claim 18 ~~can~~ **configured to** detect, store, hold, and display the position of the an athlete's foot at the moment of takeoff.

20. (**Currently Amended**) Said jump takeoff position indicator system of claim 18 in which both said light beam emitting assembly and said light beam detecting assembly contain a microprocessor that enables and synchronizes said plurality of infrared light emitting device and said plurality of infrared light detecting devices to operate in a single emitter and detector pair; whereby said jump takeoff position indicator system of claim 19 ~~may be~~ **is** battery-powered.

The following is an examiner's statement of reasons for allowance:

As to independent claim 1 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a method for detecting the position of a foot during a jump takeoff comprising all the specific elements with the specific combination including of **(d) storing the presence or absence of each of said plurality of light beams in a memory; (e) indicating the presence or absence of each one of said plurality of light beams; (f) recalling said presence or absence of each of said plurality of light beams from said by a recall switch activation; and (g) displaying the position of said foot during said jump takeoff** in combination with the rest of the limitation of claim 1 . Also, claims 2-4 are allowable based on their dependency upon the claim from which each is dependent.

As to independent claim 18 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a jump takeoff position indicator system for detecting and displaying the foot position of an athlete when starting a jump comprising all the specific elements with the specific combination including of **(e) a display means for displaying the presence or absence of said plurality of infrared light beams; (f) a memory for storing the status of said plurality of infrared light beams at the moment of takeoff; and (g) a recall switch for recalling and displaying said status on said display means; whereby the foot position at jump takeoffs stored and displayed at the desired time** in combination with the rest of the limitation of claim 18 . . Also, claims 20 is allowable based on their dependency upon the claim from which each is dependent.

As to independent claim 19 is allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a jump takeoff position indicator system comprising all the specific elements with the specific combination including of **(d) a storage means for electronically storing the absence of one or more of said plurality of infrared light beams; and (e) a display means for displaying the absence of one or more of said plurality of infrared light beams; whereby said jump takeoff position indicator system configured to detect, store, hold, and display the position of an athlete's foot at the moment of takeoff** in combination with the rest of the limitation of claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifu Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 24, 2007


Sang H. Nguyen
Primary Patent Examiner
Art Unit 2886